

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DANIEL KOSMICKI,)	4:07CV3023
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
BURLINGTON NORTHERN)	
SANTA FE RAILWAY)	
COMPANY,)	
)	
Defendant.)	

This matter is before the court upon the defendant's motion for summary judgment (filing 35). Both parties have submitted briefs and evidence in support of their positions.

I have reviewed the briefs and evidence submitted by the parties, and I find that summary judgment should be granted in favor of the defendant. In the interests of judicial economy and to avoid unnecessary trial preparation by the parties, I enter summary judgment today, with a memorandum and order setting forth the court's findings and an accompanying judgment to follow within 30 days.

IT IS ORDERED:

1. Defendant's motion for summary judgment (filing 35) is granted, with a memorandum and order setting forth the court's findings and an accompanying judgment to follow within 30 days;
2. The pretrial conference scheduled for January 24, 2008, is canceled; and
3. This case is removed from the trial docket for February 19, 2008.

January 22, 2008.

BY THE COURT:

s/ Richard G. Kopf

United States District Judge